

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TROY E. TILLERSON,

Plaintiff,

v.

**THE MEGA LIFE AND HEALTH
INSURANCE CORPORATION, a corporation;
TRANSAMERICA LIFE INSURANCE
COMPANY F/K/A PFL LIFE INSURANCE
COMPANY, a corporation; NATIONAL
ASSOCIATION FOR THE SELF EMPLOYED
A/K/A NASE, a corporation;**

Defendants.

**Civil Action No.:
3:05-cv-985-MEF**

**PLAINTIFF'S MOTION FOR ENLARGEMENT OF DISCOVERY
DEADLINES**

Comes now the Plaintiff, Troy Tillerson, by and through his undersigned counsel of record, and hereby requests this Honorable Court to enlarge the discovery deadlines that were set by this Court. As grounds in support of said request, Plaintiff states as follows:

1. In an attempt to meet this Court's discovery deadlines, Plaintiff propounded several notices of deposition to the Defendants in order to take and complete discovery that is both relevant and necessary to prove the claims asserted in this case. (See Defendant's Motion for Protective Order and Plaintiff's Response to Defendant's Motion for Protective Order).

2. As this Court is now aware, Defendants' counsel has taken the untenable position that only discovery relating to ERISA claims are relevant to this case and will only allow testimony relating to such from the Defendants'

representatives. This has become the Defendants' position on discovery despite the fact that this Court has not pronounced this lawsuit as one having anything to do with ERISA. Indeed, Plaintiff submits that it does not.

3. This recent position taken by Defendants has, as this Court is aware, caused needless and unnecessary delay in the prosecution of this case. Specifically, no depositions of the Defendants have been taken since discovery relating only to ERISA issues would be meaningless to proving the claims made the basis of this case.

4. Because of the Defendants' untenable position in regard to discovery in this case has caused substantial delay in the prosecution of this matter, Plaintiff respectfully requests this Honorable Court to deny Defendant's Motion to Strike State Law Claims, deny Defendant's Motion for Protective Order and instruct the Defendants to respond to discovery that is relevant to the claims made the basis of this case.

5. In doing so, Plaintiff also requests that this Court enlarge the time in which Plaintiff can complete discovery in this case.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests this Honorable Court to deny all Defendants' request for relief relating to ERISA, enlarge the time in which Plaintiff can complete discovery and allow this matter to proceed under those claims alleged in Plaintiff's Complaint and Amended Complaint.

RESPECTFULLY SUBMITTED this the 7th day of February, 2007.

s/Steve W. Couch
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Attorney for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2007, I electronically filed the foregoing with the clerk of the court using the CM/ECF system which will send notification to such filing to the following:

James W. Lampkin, II
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s/Steve W. Couch
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